



REMARKS

Applicant's invention has been rejected as being unpatentable over Rigg et al. (US 5,622,692), in view of Meador et al. (US 5,031,764). The present invention, as amended, is patentable over the prior art.

RESPONSE TO REJECTIONS UNDER 35 U.S.C 112

Applicant has amended the claims to overcome the rejections under 35 U.S.C 112. Claim 1 no longer uses the term "value" in relation to essential oils.

The Examiner has rejected claims 1-13, 16-25 and 37 under 35 U.S.C. 112, as not reasonably providing enablement for the "analysis", "value" correlation ship between the "value" and the essential oil.

The essential oil universe database is composed of essential oils that one skilled in the art chooses to include. Furthermore, one skilled in the art of aromatherapy knows and can easily access the description, properties and precautions of the essential oil as shown in Table B. The database is easily created by one skilled in the art using well known information describing the properties and precautions of essential oils. Based on this universal information, essential oils are excluded from the customer's essential oil universe based upon the conditions the customer possesses. The Personality Profile, is used to calculate all values assigned to all personality answers and determine the personality type of the individual. The personality typing is based on philosophies both ancient and modern. The origins of the

type of personality analysis used in the present form of the invention date back to the Greeks and have survived to date without any modifications.

In generating an essential oil formulation the data concerning the customer is obtained from the customer. The personality and preference profile value is obtained as represented by the following example:

One question in the personality section of the questionnaire might be to complete the sentence as it applies to the individual for which the formulations is being created, and provide only ONE answer to the question "Controversy, I..." with the following answers "a. Start it, b. Avoid it, c. Resolve it, d. Am the victim of it". The invention knows the value assigned to each answer, for example answer a=1, b=2, c=3 and d=4. Additionally there is a value assigned to each personality type for the purposes of comparing the sum of all questions to the value, known by the invention, to determine the personality type of the individual for which the custom essential oil formulation is being created. Assuming that the questionnaire only comprise the above question and further assume that the Personality type 1=1, Personality Type 2=2. Personality Type 3=3 and Personality Type 4=4. Then if an individual answers the question in this way: Controversy, I(a) Start it. And indicated this answer by selecting (a) and (a) is assigned a value of 1 and 1 correlates to Personality type 1 then the individual is said to be a Personality Type 1, for purposes of selecting a broad range of essential oils that would be appropriate for that individual. The Personality Type value is used to create the Essential Oil Personality Sub-set which is described in detail below in the section titled Essential Oil Personality Sub-Set.

In a preferred embodiment, a series of six questions are asked of the individual that pertains to the individual's personality. For each of the six personality questions the individual must select one of four different multiple choice answers. Each answer is assigned a particular value. The sum of all answers

is obtained by adding the values for each answer they have selected. In a preferred embodiment the individual must select an answer for all six questions. This sum is called the Personality Value for the purposes of discussing the invention. The sum of all answers or the Personality Value is compared to is compared to a value or valuation range known by the invention to determine the exact personality type. In a preferred embodiment there are four distinct value ranges which correspond to one of four different Personality Types. Although those practiced in the art may not refer to the result of this analysis as a 'Personality Value', it is well understood in the art that understanding the underlying personality of the individual is beneficial to producing a formulation of essential oils that is appropriate for the individual.

Then the Health Status section is completed by the individual. In a preferred embodiment fourteen conditions are included in the present invention, and an individual can indicate the presence of certain health conditions. For each condition that is selected, certain associated essential oils are deselected for use with that individual. This is part of the Exclusions Process, whereby certain essential oils are excluded based on the individual's health status.

The preference part of the Personality & Preference Profile is composed of three categories. In each category the individual must select one preference or benefit. Also as stated a preference is a benefit that the individual would like to derive from the customized formulation. In a preferred embodiment there are eighty-four (84) different preferences (benefits) in the category of "Body/Physical", twenty-six (26) different preferences (benefits) in the category of "Mind/Emotional", and twelve (12) different preferences (benefits) in the category of "Soul/Spiritual". The number of preferences offered in each category may be any number, lesser or greater and would normally be determined by such factors as the market in which the invention is being used, as well as the amount of expendable time individuals may have. In a preferred embodiment of the invention the individual may

only select one condition from each category, also the individual must select at least one condition for each category. The user enters the data, or answers obtained from the Personality Profile into the invention which then begins a series of processes starting with an Essential Oil Universe and ending with the final Custom Essential Oil Formulation.

The Essential Oil Universe is the entire universe of essential oil known by the invention. In a preferred embodiment of the invention the number of essential oils comprising the Essential Oil Universe is one hundred and sixty-eight. Each essential oil is assigned a value that allows the invention to know if the User has indicated that the essential oil is physically available to the user. Each essential oil is assigned an indicator that identifies it with one or more or the absence of any health conditions for which it would not be compatible. Each essential oil is assigned a value that relates to the personality types with which the oil is compatible. Each essential oil is assigned a numerical ranking related to the effectiveness of that oil to a number of conditions. Furthermore, each essential oil has been assigned a numerical designation that would allow the comparison of one essential oil to another essential oil to measure the degree to which they are compatible with one another and each essential oil has been assigned a value that identifies it as one of three distinct fragrant notes.

The next step is the Universe Modification Process, which is a manual process that the user indicates which essential oils out of the universe are available for customization.

The Modified Essential Oil Universe may be further modified or narrowed by two separate Exclusions Processes both of which happen concurrently and result in the Active Essential Oil Universe. The first relates to the exclusion of certain essential oils because of certain physical or emotional conditions stated as present in the individual and the second process is the exclusion of essential oils at the direction of and specifically named by the individual.

Under the first process, for each condition the individual indicates is present, certain essential oil or oils, having known contraindications would be excluded from the Modified Essential Oil Universe, and would not be used in the custom formulation. Under the second process the named essential oils would be manually removed thus resulting in the Active Essential Oil Universe.

Once the Active Essential Oil Universe is determined, the next process is to select the Primary Essential Oil from the Essential Oil Personality Sub-Set. A group of oils are temporarily selected based on their correlation to the Primary Preference. Each essential oil has been ranked to its effectiveness as it relates to a particular benefit in general. From the temporary group of essential oils that correlate to the Primary Preference the one with the highest correlation is selected for the individual. Each essential oil that is known to the invention has been assigned a numeric ranking as that oil relates to a particular condition. For each condition, every essential oil has been assigned a numeric value as to its effectiveness to that particular condition. In some cases where an essential oil has no effectiveness to a particular condition that essential oil, in reference to that condition has been assigned a ranking of zero or null.

Because the essential oils for the Primary Essential Oil selection and all subsequent essential oils selected have undergone processes by which they have been narrowed and culled to only those available, not contraindicated, consistent with the personality type etc., it is possible that the universe of essential oils present for selection as a Primary Essential Oil may not contain essential oil with the highest ranking for that individual and for the Primary Preference.

The rankings of each essential oil, in the preferred embodiment, are without regard to the effectiveness based on any particular person, personality type, but rather the effectiveness in general

without regard to any other factors. The essential oil rankings as they relate to the conditions were assigned their value based on their chemical constituents, historical data, and knowledge of the art.

After the Primary Essential Oil is selected, certain characteristics are used to create a related group of essential oils called the Primary Essential Oil Family Set. When Aromatherapists select more than one essential oil to satisfy a need or group of needs or benefits they ideally like to select essential oils that work chemically with one another or essential oils that “synergize” with one another. One thing that makes this synergy possible is the ability to accept or donate electrons. All essential oils in the preferred embodiment of the invention are identified by an assigned numeric value, that is known to the invention and is based on their chemical properties, that is used to determine the its synergy properties. These numeric values are compared with one another to determine the synergistic properties they might have together. In creating the Primary Essential Oil Family Set the numeric value of the Primary Essential Oil is compared with the numeric values of all members of the Essential Oil Personality Sub-Set. Those having the proper synergistic combination will comprise the Primary Essential Oil Family Set.

Next, if the invention determines that there are any preferences other than the Primary Preference, then from the Primary Essential Oil Family Set a group of oils are temporarily selected based on their correlation to the Subsequent Preference. As stated, each essential oil has been ranked as to its effectiveness as it relates to a particular benefit in general. From the temporary group of essential oils that correlate to the Subsequent Preference, at hand, the essential oil with the highest correlation is selected. The essential oil selected becomes a Subsequent Essential Oil. However, this Subsequent Essential Oil must then go under a Test Process before being finalized and included in the Custom Essential Oil Formulation.

The Test Process is a two step process. The first step is to determine if the Subsequent Essential Oil selected is identical to any other essential oil that has been selected, and confirmed for the final Custom Essential Oil Formulation. If so, this essential oil is omitted from further processing. The second step is to determine if the Subsequent Essential Oil selected has the same fragrant note as another oil already selected and confirmed. If so, this essential oil is not confirmed for the selection and is omitted from the further processing and another new Subsequent Essential Oil is selected and is compared as above.

With all of the essential oils selected for the final Custom Essential Oil Formulation, the Primary Essential Oil, any and all Subsequent Essential Oils, it is necessary to specify the amount of each individual essential oil necessary to create the desired median specified by the individual in the Questionnaire, such as body lotion. If the desired output is a body lotion and the standard level of essential oils for a body lotion is 1%, and the body lotion is 210 milliliters then the number of total drops of essential oil required for this output is 2.1 milliliters. For ease of use by the User this amount may be measured in drops, cc, drams, milliliters, ounces or any other unit of measurement. In a preferred embodiment the invention drops are used as the standard unit of measurement. Therefore for every 210 milliliters the amount of total drops required for the output of Body Lotion would be about 34, with milliliter equaling about 16 drops. Once the total number of drops of essential oil to meet the needs of the output is ascertained then the exact number of drops of each individual essential oil selected for the final Custom Essential Oil Formulation is calculated. This is done using standard perfuming ratios, or note ratios. The essential oils combine to equal 100%, each note ratio being a certain percentage and the total number of corresponding drops corresponds to that ratio. For example, if the top note equals 30%, a

middle note equals 30% and a base note equals 40% then the total number of drops is Essential Oil A equals 10 drops, Essential Oil B equals 10 drops and Essential Oil C equals 13 drops.

Therefore, with the total numbers of drops determined and the specific number of drops calculated for the output desired, the Final Custom Essential Oil Formulation is created and displayed for use by the User.

Claim 1, as amended, limits the present invention to essential oils for aromatherapy treatment. As described above, the customer's profile contains individual information concerning conditions the customer possesses. As can be ascertained from the discussion above, the profile of the customer determines whether one or more essential oils may be excluded from the essential oil universe because the essential oil has an adverse reaction with the conditions the customer possesses. Claim 1 must be read in accordance with the specification, which identifies the terms conditions and profile, *See Table A*. The profile, as defined by the specification, is created from the questionnaire that asks questions about a customer's health status, personality, physical, emotional, spiritual and focus conditions. Thus, the customer's conditions are discerned by the answers the customer gives to the questionnaire. The profile contains these conditions and is compared with the properties of essential oils. This comparison results in the formulation of an essential oil based composition for aromatherapy treatment.

RESPONSE TO REJECTIONS UNDER 35 U.S.C. 103

Applicant invention is patentable over the prior art and is distinguished in detail below from Rigg and Meador and the combination of the two for the reason set forth.

Applicant's Invention in View of Rigg et al.

Rigg contemplates a method for formulating a customized cosmetic product that matches a person's skin tone. There is no profile of an individual based on an individual "conditions". Rigg performs a physical diagnosis of skin type through the use of a spectrophotometer. The method in Rigg comprises cleaning a region on the customer's face and then placing the LED device (spectrophotometer), the first essential feature, in the proximity of the cleaned facial area. The LED emits visible light that is reflected off the skin surface and the altered wavelengths are measured. A total of three skin readings along the neck/jaw line region will be taken. Each reading is approximately 30 seconds.

Once the wavelength information is collected it is translated to the programmable device, the second essential feature of Rigg. This feature includes a preprogrammed menu of facial formulas directed to a facial product. The program of the device will correlate the LED reading with a preprogrammed optimal formula. Information on this formula will then be transferred to the controller portion of a formulation machine.

The formulation machine is the third essential feature of Rigg. The formulation machine has a series of dispensers. Each dispenser is connected into a common dosing chamber through respective tubing. An electronic control board receives electronic instructions from the programmable device as to optimal formula necessary to be dispensed. When a particular facial foundation is required, an optimal color shade is delivered by combining a mixture of monochromatic compositions each of which is dosed

from a respective dispenser. These dispensers contain a cosmetic chemical composition exhibiting one of four monochromatic compositions, Red 16, Yellow 18, Black 20 and White 22. The servomechanical activators are present within the machine to operate discharge valves for the respective dispensers. The requisite valves are opened the length of time as required by the quantity of any particular cosmetic chemical composition to be dispensed. A moisturization composition or a modifying finish may also be provided from dispensers. The facial formula will then be dispensed in a trial size and is given to the customer for review and then the color shade can be modified by manually programming through a keyboard terminal in to the programmable device.

Rigg does not contemplate a method that is applicable in the perfume customization as Meador. The method in Rigg is directed to the physiological diagnosis as demonstrated in the discussion above. The method in Rigg is not applicable in the art of perfume. Rigg is a physiological diagnosis of a customer's face based on skin tone and the creation of facial foundation from four monochromatic colors to exactly match a customer's skin tone and does not correlate to what type of perfume the customer's taste prefers.

Furthermore Applicant's invention is not suggested or disclosed in Rigg. Applicant's invention is directed to a method for formulating an essential oil based composition by preparing a profile of the customer "conditions".

The present invention is completely different the Rigg, for instance the present invention does not perform a physical diagnosis of skin type through the use of a spectrophotometer. Moreover, the present invention does not clean a region of the customer's face and then place the LED device (spectrophotometer) in the proximity of the cleaned facial area. The present invention does not take a series of three skin readings along the neck/jaw region for 30 seconds. The present invention creates a

profile from a questionnaire that is divided into questions concerning health status, personality profile, physical conditions, emotional conditions, spiritual conditions, and focus conditions (See Table A).

Based on the customer's responses a profile of the customer is created.

Furthermore, the present invention does not collect wavelength information and transfer it to a device with a set of preprogrammed formulas. In the present invention essential oils are excluded based on their compatibility with the customer's profile. Essential oils are excluded based on a comparison of conditions such as allergies and other conditions possessed by the customer and the properties of the essential oils. The result is a customized essential oil formulation.

Another difference between Rigg and the present invention is that third essential feature of Rigg, the formulation machine. In Rigg, unlike the Applicant's invention, the formulation mixes the facial foundation from four monochromatic colors, Red 16, Yellow 18, Black 20 and White 22. The requisite valves of the formulation machine are opened the length of time as required by the quantity of the respective color needed to make the proper skin tone shade. The present invention does not have the third essential feature of Rigg, the formulation machine, as part of the invention. The present invention also does not make an essential oil formulation from four monochromatic colors. Also, the present invention does not consider skin tone to make the customer's essential oil formulation. One cannot ignore the skin tone aspect of Rigg as suggested by the Examiner because it would destroy Rigg for its intended purpose, to provide a customized facial formula that exactly matches a customer's skin tone. These features would be required in any combination with Meador.

Applicant's Invention in View of Meador et al.

The process taught in Meadow is based purely on an individuals personal sense of taste.

Meadow relates to a method comprising a plurality of tapered sample strips secured at one end to a border strip. Each sample strip includes a fragrance note. The tapered strips secured to the border strips are classified into family of notes by color of the tapered sample strips, which are grouped together by the same family having the same color strip. An example of the different fragrance families are fruit, floral, fantasy, herbal, oriental/spice, fougere, chypre/wood, and leather. The sample strips are arranged in order such that they are sampled from lightest to the heaviest in fragrance. This allows the olfactory glands to obtain a true scent of each fragrance.

The series of tapered strips secured to the border strip are prepared for sampling by first separating two sets of border strips with their associated tapered sample strips from a die-cut sample sheet of heavy paper. The identifying indicia and color for each fragrance is clearly indicated.

A tiered sample rack or case, including a plurality of capped bottles, corresponding to the number of tapered sample strips on each border strip, contains different notes or essential oils which correspond in order to the marked indicia on the tapered sample strip. Each tier of bottles corresponds to a separate border strip and its associated tapered sample strip.

The caps are removed from the bottles in a first row located on a tier of the sample case. The border strip with the corresponding tapered sample strip are lowered into the bottle so that the ends of the tapered sample strips just touch the essential oil in each bottle. When the tapered sample strips have been dipped in the corresponding essential oils, the border strip is temporarily stored in the holding rack. This process is repeated for each of the three other border strips and their associated tapered sample strips for the remaining three tiers and associated three rows of capped bottles containing essential oils.

The sample strips are detached from the border and stored in the holding rack until a customer is given each of the now fragrance tapered sample strips.

After the customer has sampled each of the fragrances of the tapered sample strips by passing the strip by their nose, and making a selection based on personal taste, the customer creates an individualized perfume. The customer is then given a set of four border strips and associated tapered sample strips and the less desirable fragrances of labeled tapered sample strips are removed from the border strip. Then, only the tapered sample strips containing the desirable fragrances are dipped into the corresponding tier of the sample case with the corresponding bottles of essential oils.

The customer, then, dealing only with the most desirable fragrances sniffs and selects the combination of tapered sample strips having a desired combined fragrance for their personalized perfume. The selected tapered sample strips are secured together so as to clearly identify the desired fragrances which should be combined to produce their own custom perfume. Based upon the selected fragrances, a customized perfume is then made based on an individual's personal taste.

The method in Meador is directed to a method and apparatus for producing a customized perfume based on an individual's taste. The invention claimed in Meador allows an individual to select a combination of fragrances which are desired to be incorporated into a personal perfume.

Applicant's invention is entirely different than Meadow. First, Applicant's invention does not comprise a plurality of sample strips as in Meadow or a series of tapered strips secured to a border strip for sampling.

Second, Meadow, unlike Applicant's invention, comprises sample strips, each including a fragrance note which are classified into fragrance families, such as fruit, floral, fantasy, herbal, oriental/spice, fougere, chypre/wood and leather each fragrance family is noted by the color of the

tapered sample strips. Applicant's claims do not have a feature that correlates to this feature in Meadow. Aromatherapy is not based on personal preference as to odor that is present in Meadow.

Third, Applicant's invention does not contain a tiered sample rack or case that corresponds to the number of tapered sample strips on each border strip with each tier corresponding to a separate border strip. Moreover, Applicant's invention does not contain sample strips dipped in fragrance notes for sampling by the customer. The method in Meadow allows for the customer to sample with their olfactory senses.

The customer is the one, unlike the present invention, who samples and decides which sample strips they like and then the sample strips that are less desirable are removed and the customer again selects the combination of tapered sample strips having the desired combined fragrance for their personalized perfume.

None of these features are in the Applicant's invention, and these features are required in any combination with Rigg.

Applicant's invention, as amended, is directed to a method for formulating an essential oil based composition by preparing a profile of the customer. The profile is created from a questionnaire that is divided into questions concerning health status, personality profile, physical conditions, emotional conditions, spiritual conditions, and focus conditions (See Table A). Based on the customer's responses a profile of the customer is created. The customer does not select the essential oils themselves based on the fragrance note of the essential oil as in Meadow.

In the present invention, essential oils are excluded based on their compatibility with the customer's profile. Essential oils are excluded based on a comparison of conditions such as allergies and other conditions possessed by the customer with the properties of the essential oils. To ignore the

individual taste factor in Meadow, and have the selection of perfume be performed by the method of the present invention would destroy Meadow's invention for its intended purpose.

RESPONSE TO THE COMBINATION OF RIGG and MEADOR

The Examiner has rejected the present invention as being unpatentable over Rigg in view of Meadow. Rigg as described in detail above has three essential features, a spectrophotometer, a programmable device including a preprogrammed menu of facial formulas directed to a facial product, and the formulation machine containing four monochromatic colors, Red 16, Yellow 18, Black 20 and White 22 that create a facial formula matching the customer's skin tone. None of the features in Rigg are in the present invention. Examiner remarks that Rigg can be broadly interpreted as a method of formulating customized cosmetic product based on information from the customer. However, one distinction between the present invention and Rigg is the information gathered from the customer. In Rigg the information gathered from the customer is defined as skin tone. Rigg contemplates the measurement of skin tone variation. The information of skin tone is gathered by using a spectrophotometer, transferring the data so that the customer's skin tone can be matched by using four monochromatic colors, Red 16, Yellow 18, Black 20, and White 22. If the skin tone aspect is ignored, Rigg would be destroyed for its intended purpose.

Moreover, the method in Rigg has no application to the present invention. A spectrophotometer, as known in the art, cannot create a customized profile concerning a customer's health status, personality, physical conditions, emotional conditions, spiritual conditions, and focus conditions. Rigg

also has no application to Meadow. The spectrophotometer of Rigg cannot analyze any of the Meadow fragrances.

Furthermore, the present invention does not create the personalized essential oil formula from a set of preprogrammed formulas that manipulate four variables as in Rigg. In the present invention, the formulation of a personalized essential oil is created by first gathering information through, for example, a questionnaire to create a profile of the customer. This step has no relevance in Rigg, a customized facial formula cannot be created to match a person's skin tone by having them answer a questionnaire. Then once the profile is created in the present invention the exclusionary process begins. The exclusionary process entails excluding essential oils that would have an adverse affect on the customer's based on their health, personality, physical, emotional, spiritual, and focus conditions.

For example Sweet Basil, *Ocimum basilicum*, is an essential oil that has many properties, for example Sweet Basil can be used for an anti-inflammatory, antiseptic, antispasmodic, aphrodisiac, aromatic, carminative, demulcent, diaphoretic, diuretic, emmenagogue, expectorant, febrifuge, narcotic, nervine, stimulant, stomachic, and a tonic. However Sweet Basil has precautions and should not be used for customers that have cancer, epilepsy, high blood pressure, and pregnancy, but can be used for customers with anemia, arthritis, asthma, constipation, migraines, anxiety, lack of concentration and more (See Table B).

The Examiner argues that it would be prima facie obvious to a person of ordinary skill in the art, to employ the method of Rigg for customizing essential oil composition, in a cosmetic product based on a customer's preference.

Applicant must disagree, as discussed above Rigg measures the customer's skin tone. The only way to measure skin tone is to use a spectrophotometer that can do a physiological diagnosis on the

customer's skin surface and collect wavelength information that is transmitted to a set of preprogrammed formulas and then create a customized facial formula from four monochromatic colors, Red 16, Yellow 18, Black 20 and White 22. The spectrophotometer basically makes determinations based on light. Applicant's invention does not base any decision on light. Meadow's fragrances would also not be separated based on light as light has no relevance in making a scent based decision.

Rigg has no application if the measurement of skin tone is removed and replaced with the teaching of Meador for customizing fragrance based on customer's preference. The combination of Rigg and Meador results in the creation of a facial foundation, without the use of a key feature of Rigg the spectrophotometer, that smells nice, this is obviously not the intent of Rigg and would destroy the purpose of Rigg for its intended purpose.

Moreover, the physiological testing of skin in Rigg has no relevance to the selection of perfumes. If you were to employ physiological testing for the selection of a personalized perfume it would not have the result of Meadow because it does not factor in a personal taste. The purpose of Rigg is to create a perfect match to the customer's skin tone. If a customer were to select the different shades of facial foundation based on preference, and then to combine these preferred shades to create a customized result, the result would be not exactly match the customer's skin tone and would be contrary to what is currently suggested in Rigg.

More importantly, Rigg creates a customized facial product that is created from four monochromatic colors Red 16, Yellow 18, Black 20 and White 22. It is not known in any art that a customer can select a combination of these colors based on taste, as contemplated in Meador, to create a customized facial product that matches their skin tone.

Furthermore, the present invention is patentable over Rigg in view of Meador because the combination of the two does not result in the exclusion of oils that have an adverse reaction with the customer. Meadow is based purely on personal taste, and does not take into consideration adverse physical and/or mental reactions.

Lastly, the combination of Rigg and Meador does not result is not the Applicant's invention. Neither Rigg nor Meador has a profile created from a questionnaire that is divided into questions concerning health status, personality profile, physical conditions, emotional conditions, spiritual conditions, and focus conditions (See Table A).

Neither Rigg nor Meador excludes essential oils based on their compatibility with the customer's profile. Essential oils, in the present invention, are excluded based on a comparison of conditions such as allergies and other conditions possessed by the customer and the properties of the essential oils.

An important example illustrates how the combination of Rigg and Meador does not have the result of the present invention. For instance, in the present invention, a customer who is pregnant would have Sweet Basil excluded as a possible essential oils included in her formula (her essential oil universe) because it has adverse affects on pregnancies. The present invention compares the user's profile with one or more properties of an essential oil, and then selects one or more essential oils based on the costumer's conditions. Sweet Basil, as discussed above, has an adverse affect on pregnancy, therefore after comparison between the customer's condition and the essential oils, Sweet Basil is excluded.

However, if the process of Rigg in view of Meadow were used with a pregnant customer, Sweet Basil would not be excluded if the customer preferred the taste of Sweet Basil, her existing physical conditions would not be compared to the properties of the essential oils.

More importantly, the method of Rigg would have absolutely no application in the present invention because the use of a spectrophotometer, as discussed above, could not create a customer profile concerning existing conditions because a spectrophotometer is used to measure refracted wavelengths which is definitely not known in the art to have any application in diagnosing pregnancy and a multitude of other health conditions.

In light of the Applicant's amendments to the claims, the present invention is directed to a method for formulating an essential oil based composition created from a customer's profile. The profile of the present invention contains individual information concerning one or more conditions of the user, and compares the user's profile with one or more properties of an essential oil, and then selects one or more essential oils based on the customer's conditions. Therefore, the present invention is patentable over Rigg in view of Meadow, and is in condition for allowance.

CONCLUSION

For the foregoing reasons, applicant's claims are patentable over the cited prior art and the application should be in condition for allowance.

Respectfully submitted,



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I hereby certify that the foregoing Response was mailed by first class mail, postage prepaid, in an envelope addressed to the Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 27th day of May, 2004.

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